

REMARKS

Claims 1-35 are pending in the current application. By this amendment, claims 1, 11, 21, and 31-35 have been amended.

Claims 1-35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lee et al. (US Patent No. 6,601,101). Applicants respectfully traverse this rejection and request reconsideration based on the following arguments.

Independent claim 1 is amended to recite “a state information acquirer that acquires state information ... by actively requesting and obtaining said state information from said first information processing device or said second information processing device.” Support for this amendment can be found in the specification at pp. 22 and 33-34.

Nowhere is this limitation found in Lee. Lee discloses a switch that only passively receives state information from a first information processing device or a second information processing device. For example, Lee states that “[t]he switch may inspect a TCP session packet and read information beyond the TCP/IP header for purposes of selecting a storage device to participate in the established TCP session.” Lee, col. 4, lines 53-56. Lee also states that “the switch receives a message from the client...” Lee, col. 5, line 54. Further, Lee states that “[t]he switch receives a report...” Lee, col. 6, line 20. Nowhere is the switch “actively requesting and obtaining said state information.”

Independent claims 11, 21, and 31-35 all contain the limitation of an intermediate device “acquir[ing] state information ... by actively requesting and obtaining said state information.” As explained above, this limitation is not disclosed by Lee.

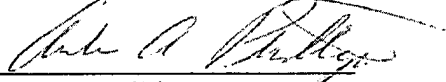
Claims 2-10 depend directly or indirectly from independent claim 1. Claims 12-20 depend directly or indirectly from independent claim 11. Claims 22-30 depend directly or indirectly from independent claim 21. Each of these dependent claims include additional limitations which, in

combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-10, 12-20, and 22-30 are likewise allowable.

In view of the above amendment, favorable consideration of the amendments to claims 1, 11, 21, and 31-35; and allowance of the present application with claims 1-35 is respectfully and earnestly solicited.

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Respectfully submitted,

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